

WQS National Program Meeting

September 11-12, 2019

Courtyard by Marriott
1325 2nd Street NE
Washington DC 20002
Phone: 202.898.4000

DAY 1 of State-EPA Meeting
Wednesday, September 11

Congressional
Monuments Room

11:00 am – 12:30 pm **Lunch (on your own) – Informal Caucus for the States**

12:30–1:15 pm **Welcome and Introductions**

Deborah Nagle, Director, Office of Science and Technology (OST)
Sara Hisel-McCoy, Director, Standards and Health Protection Division, OST

Welcome remarks, meeting logistics and round robin introductions.

1:15 pm–2:30 pm **OGC Update and Litigation of National Relevance**

This session will include an overview and discussion of current legal developments in WQS, including recent and pending litigation of national relevance.

2:30–2:45 pm **Break**

2:45–3:45 pm **State Hot Topics**

The goal of the sessions is to share updates, surface common issues and flag them for future follow up, especially issues where EPA assistance would be helpful in resolving issues for multiple states.

3:45–4:45 pm **How to Better Meet Statutory Deadlines Regarding EPA's Actions on CWA Program Submittals**

Corey Buffo (EPA HQ), Erica Fleisig (EPA HQ), Shari Barash (EPA HQ), Jill Csekitz (TX), Traci Iott (CT), Hanh Shaw (EPA R10), Amy Shields (EPA R7), and Matt Szelag (EPA R10)

There is a renewed emphasis on meeting Clean Water Act section 303(c) deadlines for action on state and tribal water quality standards submittals (60 days for approval; 90 days for disapproval). Failure to meet these deadlines creates legal vulnerabilities and impacts implementation of other Clean Water Act programs that rely on approved water quality standards (e.g., permits and total maximum daily loads). Participants in this session will discuss strategies for how to better meet the statutory deadlines to minimize impacts when implementing water quality standards in other programs. We will discuss what states and EPA can do to help ensure that decisions happen on time, and brainstorm creative and innovative ways to move things forward.

4:45–5:00 pm **Recap**

Major discussion outcomes and action items from the day will be presented.

5:00–7:00 pm **Social Hour (Optional): The Eleanor**

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DAY 2 of State-EPA Meeting
Thursday, September 12

Congressional
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8:30–10:00 am

Human and Ecological Criteria Division (HECD) Update

Betsy Behl, Director, Human and Ecological Criteria Division, OST

Representatives from EPA HQ HECD will present recent work on criteria of interest to states and regions.

10:00–10:15 am

Break

10:15 am–12:15 pm

Small Communities: Water quality standards challenges and opportunities

Manjali Vlean (EPA HQ), Angela Falls (MO), Chris Johnson (AL), Ann Lavaty (EPA R7), Gary Russo (EPA HQ), and David Whitehurst (VA)

Small Communities often face challenges in meeting water quality standards due to technological, financial, human resource and expertise limitations. This session will focus on identifying what specific challenges different states have seen their small communities face when trying to meet WQS requirements, the most common problem pollutants (e.g., ammonia, nutrients) and opportunities to help small communities overcome those challenges. EPA and state representatives will present examples of ongoing work to support small communities and facilitate discussion/brainstorming of other ideas. Presentation will include ongoing collaborative efforts to address situations where small community lagoons would have trouble meeting WQBELs derived from more stringent criteria adopted to protect designated uses (e.g., EPA's 2013 ammonia criteria).

To facilitate discussion, please come prepared to offer your thoughts on the following questions:

1. How do you define “small community”? If you are a state, how many small communities do you have?
2. Do you see small communities struggling or do you anticipate them struggling to meet WQS? What are the challenges? What pollutants do you feel are most problematic?
3. Have you been involved or witnessed efforts to address these concerns? Have they worked? If not, why not?
4. Do you have ideas on how best to collaborate across states and with EPA to more broadly address small community issues?

12:15–1:30 pm

Lunch (on your own)

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1:30–2:30 pm

PFAS in Surface Water: Criteria development, fish advisories, and other activities

Betsy Behl (EPA HQ), Traci Iott (CT), and Catherine Neuschler (MN)

Current concentrations of PFAS pollutants in surface waters and fish tissue – and how EPA and states intend to work together to address these pollutants – are of considerable interest to stakeholders and the public. Yet, the nature of this pollutant class, including the diversity of compounds, creates challenges for EPA and state efforts to respond in a rapid and scientifically-defensible manner. This session will describe current efforts by EPA OST and by states related to PFAS compounds.

2:30–2:45 pm

Break

2:45–4:15 pm

Supporting and Streamlining Use Changes

Shari Barash (EPA HQ), Chad Brown (WA), Rebecca Fitzgerald (CA), Heather Goss (EPA HQ), Chris Johnson (AL), Samar Khoury (EPA HQ), and David Pfeifer (EPA R5)

This session will highlight where use changes have been successful, discuss potential strategies for applying use changes on a broad scale, learn about existing and potential resources and tools from EPA and states to support the use change process. Discuss identified barriers in the use change process for states and strategies and tools to overcome barriers.

4:15–5:00 pm

Technical Information on Ubiquitous and Hard to Treat Pollutants to Support WQS Variances or Use Changes

Jim Keating (EPA HQ), Menchu Martinez (EPA HQ), Blake Beyea (CO), Brent Gaylord (EPA R2), Kelly Gravuer (AAAS-EPA HQ), Aaron Johnson (EPA R5), and Catherine Neuschler (MN)

Several common pollutants have very low risk-based criteria but are widely distributed in the environment (due to natural and/or human processes), such that their concentrations exceed criteria levels in most waters. For these ubiquitous pollutants, meeting water quality standards may not be technologically feasible. Furthermore, achieving low levels of these pollutants in regulated effluent would often do little to mitigate exposures from ubiquitous higher levels in ambient waters. Thus, ubiquitous and hard to treat pollutants often prompt consideration of tools such as WQS variances or use changes, for which documentation is typically prepared case by case. To address the challenges presented by ubiquitous and hard to treat pollutants, we are exploring the concept of developing alternative targets based on proven, feasible, and affordable technologies and best management practices and consistent with legal authorities. As a first step, EPA contracted with Tetra Tech to synthesize technical evidence related to the treatability, detectability, and occurrence of two such pollutants: mercury and arsenic. In this session, EPA staff will present these technical findings. State representatives will then offer their perspectives on regulatory approaches for ubiquitous and hard to treat pollutants. These presentations will be followed by a discussion considering issues that may arise in developing and implementing such approaches.

5:00–5:15 pm

Recap & Adjourn

Major discussion outcomes and action items from the meeting will be presented.